

Law in Respect of Marriage No. 31 of April 14th, 1993.

Translated from the Icelandic

With later amendments

(The original Icelandic text is published in the Law Gazette. In case of a possible discrepancy, the original Icelandic text applies.)

LAW
in Respect of
Marriage
No. 31 of April 14th, 1993.

CHAPTER I

Sphere of Application, and General Provisions

A. Application *Article 1*

This Law shall apply to the union of [two individuals] in matrimony. It shall not apply to cohabitation of unmarried persons.

B. Equality of Spouses *Article 2*

In their union of matrimony, the spouses shall be equal in every respect, and shall carry the same obligations towards each other and their children. They shall be faithful to each other, support each other, and together guard the interests of their home and family. Spouses shall bring up their children jointly, care jointly for their needs, and aid each other in providing for the family by financial contributions, domestic work, and by other means.

C. Division of Responsibilities, and Financial Information *Article 3*

The spouses shall, as practicable, share the work to be performed in the home and the financial outlays incurred on account of keeping a home and maintaining a family. Married persons shall keep each other informed on their financial status and earnings.

D. Control of Assets and Liability for Debts
Article 4

Each married person shall have control of his or her assets and be responsible for his or her liabilities as further provided for by law.

E. Termination of Marriage
Article 5

A marriage shall be terminated upon the death of a spouse, annulment of marriage, or divorce.

F. Settlement of Assets and Liabilities when Severing the Financial Ties Between Married Persons

Article 6

Upon legal separation or divorce of spouses, or upon the death of either spouse, the net matrimonial property of each shall be divided into two equal parts, as further specified in this Law. Spouses may agree between themselves on the distribution of assets and liabilities on account of legal separation or divorce, and if such settlement is not reached, each spouse may request that settlement of assets and liabilities take place by an official settlement procedure. Article 30 shall apply to settlement of assets and liabilities on account of annulment of marriage, and the provisions of Chapter XIII shall apply to such settlement without termination of marriage.

CHAPTER II

Impediments to Marriage

A. Legal Age for Marriage
Article 7

[Two individuals] may marry when they have both attained the age of 18 years. [The Ministry] may permit the marriage of younger persons, [provided that the view of the custodial parents regarding the marriage has been presented].

B. Marriage of a Person Deprived of Legal Competence
Article 8

A person deprived of legal competence can not enter into marriage without the guardian's approval. In case such approval is denied the matter may be referred to [the Ministry], which may permit the marriage if it deems that the denial is unwarranted.

C. Consanguinity
Article 9

Persons related by direct descent may not intermarry, and the same shall apply to siblings.

D. Adoption
Article 10

Adoptive parents and adopted children may not marry each other, unless the adoption has first been annulled.

E. Bigamy
Article 11

Marriage of a person already married may not take place.

F. Settlement of Assets and Liabilities between a Person Marrying Again, and the Former Spouse
Article 12

A person who has been married before may not marry again unless an official settlement procedure has been initiated or a private settlement procedure completed as regards the assets and liabilities of the person marrying and the former spouse. This shall not, however, apply if a system of separate property was exclusively in effect in the earlier marriage. [The Ministry] may, in special circumstances, waive this requirement.

CHAPTER III

Examination of Impediments to Marriage

A. Subject of Examination
Article 13

Before a marriage is solemnized the persons to be married shall submit a certificate to the effect that an examination has taken place as regards possible impediments to marriage under Chapter II, and that their marriage would not be contrary to law.

[The Ministry] shall issue further provisions relating to such examination, including as regards documents which the persons to be married shall be required to submit when the above is being examined, such as birth certificates and documents evidencing termination of previous marriage.

The persons to be married shall provide a written declaration, upon their honour, to the effect that to their knowledge there are no impediments to their planned marriage. To assure this, the [agent performing the marriage eligibility inquiry] shall require that the persons wishing to marry submit a written declaration of two trustworthy persons who both vouch for the fact that there are no legal impediments to the planned marriage. [The Ministry] may in very special circumstances waive this requirement, and also permit that such declaration be signed by only one such person.

B. Parties Conducting Examination – Refusal to Issue an Examination Certificate
Article 14

Examination of impediments to marriage shall be performed by persons empowered to perform marriage ceremonies in accordance with Chapter IV of this Law. [District commissioners and their law-trained deputies shall, however, perform the marriage eligibility inquiry if one or both of the marriage applicants are not domiciled in Iceland.] [The marriage eligibility inquiry] shall take place in the administrative district of the home of either person to be married. In case neither person to be married has legal residence in Iceland, the examination shall be performed in the administrative district where either is staying. [No fee shall be charged for issuing a marriage license.]

[In the event that the provisions of Article 9 of the Domicile Act No. 21/1990 apply to the situation of a marriage applicant, he or she shall not be considered to have forfeited his or her domicile in Iceland notwithstanding that person may have given notification of his or her movements pursuant to the Nordic Agreement Concerning Population Registration.] If [the agent performing the marriage eligibility inquiry] declines to issue a certificate to the effect that such examination has been completed, either person to be married may appeal against such decision to [the Ministry], under the principles of Article 132. If the Ministry accepts the view of the appellant, the decision of [the agent performing the marriage eligibility inquiry] is annulled, and marriage shall then be allowed on the basis of the Ministry's decision.

C. Certificate of Examination as a Prerequisite for Marriage –Exception in Case of Serious Illness
Article 15

A marriage ceremony may not take place unless a certificate to the effect that there are no legal impediments to the planned marriage has been issued by a legitimate [agent who performs the marriage eligibility inquiry]. Such certificate must not be more than [30 days] old.

In case either or both persons to be married are seriously ill a marriage ceremony may take place even if an examination of impediments to marriage has not been performed as required. In case a person empowered to perform a marriage ceremony is aware of an impediment to marriage, such ceremony may not be performed, even if a valid certificate of examination has been issued.

CHAPTER IV

Solemnization of Marriage

A. Persons Empowered to Perform Marriage Ceremonies

1. General

Article 16

A marriage ceremony may be performed by a minister of religion, the head of a registered religious organization [or life stance organization, or by an individual working as the representative of the head of a registered religious organization or life stance organization] who is empowered to perform marriage ceremonies under Article 17, or by a civil official so empowered.

[2. Ministers and Representatives of Registered Religious Organizations and Life Stance Organizations]

Article 17

[Church marriage ceremonies shall be performed by ministers of the National Church of Iceland or ministers and heads of other religious organizations registered in Iceland. Marriage ceremonies other than church or civil marriages shall be performed by the heads of life stance organizations registered in Iceland. Ministers and heads of registered religious organizations or life stance organisations shall have received authorisation from a district commissioner.]

Furthermore, individuals who work as representatives of the heads of registered religious organizations or life stance organizations and have received authorisation from a [district commissioner], and meet the conditions of Article 7 of the Act on Registered Religious Organizations and Life Stance Organizations, may also perform marriage ceremonies.

Ministers of the National Church of Iceland who have retired from its service may perform marriage ceremonies after receiving authorisation from a specific minister of the National Church of Iceland who has established that the requirements for the marriage ceremony have been met and undertaken responsibility for registering the marriage in the church records and submitting the official reports pertaining to it.

[The Ministry] may authorise Icelandic ministers to perform marriage ceremonies abroad.

3. Civil Officials Empowered to Perform Marriage Ceremonies

Article 18

Civil marriage shall be entered into before a magistrate, or a magistrate's deputy who has legal training.

4. Authorization of Staff Members of Icelandic Embassies to Perform Marriage Ceremonies

Article 19

[The ministry responsible for Iceland's embassies, permanent missions and consulates abroad] may, following consultation with [the Ministry], set rules on authorisation for Icelandic embassy staff who have diplomatic status to perform marriage ceremonies abroad and also, subject to the same proviso, on authorisation for Icelandic consuls abroad to perform marriage ceremonies.

The provisions of this Act on the requirements for marriage ceremonies, the investigation of their fulfilment, and on the performance of marriage ceremonies, shall also apply to marriage ceremonies under the first paragraph of this article and under the fourth paragraph of Article 17.

5. Authorization of Persons Empowered to Solemnize Marriages Abroad, to Perform Marriage Ceremonies in Iceland

Article 20

Agreements with foreign states may provide that priests or ministers from those states or their consular officers, who have diplomatic status may perform marriage ceremonies in Iceland, if one or both of the persons to be married are nationals of the state in question.